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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/932,069

08/17/2001

Martin Freeman

US 018122

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06/14/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

JUNG, DAVID YIUK

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/932,069

**Applicant(s)**

FREEMAN ET AL.

**Examiner**

David Y. Jung

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-11, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-11 is/are allowed.
- 6) ☐ Claim(s) 16-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-11, 16-17 are presented.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-11 have been fully considered and are persuasive. The rejections have been withdrawn.

Regarding claims 16-17, the Office notes that these claims do not have the signals being sent at the same time as in claims 1-11. As noted in a previous Office Action, this is of critical importance.

### ***Allowable Subject Matter***

Claims 1-11 are allowed.

The following is an examiner's statement of reasons for allowance: The terms of the claims, as explained and argued by Applicant, are now clearly defined as terms of the art. An applicant may be his own lexicographer. Furthermore, the art itself may be considered for interpretation of terms of the art. On this matter, these paragraphs of Remarks section of Applicant's Response is noted:

Claims 1-11 are related to the set-top box 54 and claim a system for decrypting encrypted transmissions of at least a first signal and a second signal. Note that in the specification on page 9, lines 2-7, the transmission station 52 transmits a first encrypted

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signal and a second encrypted signal, while the set-top box 54 (e.g., the receiver of claim 1) receives the first and second encrypted signals.

Applicants consider the subject invention to be not only a system including transmission means and at least one receiving means (corresponding, for example, to the transmission station having a head end and the set-top box), but also the decrypting system (embodied in, for example, the set-top box) as claimed in claims 1-11, 16 and 17, as well as the transmission system (embodied in, for example, the transmission station including the headend) as claimed in claims 12-15 (these claims having been withdrawn due to a restriction requirement imposed by the Examiner).

Thus, the set-top box in such a situation as in page 9 of the specification is assumed for claims 1-11 -- albeit not transmission system (embodied in, for example, the transmission station including the headend) as claimed in restricted claims 12-15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## **CLAIM REJECTIONS**

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samar (cited by Applicant, EP Application 0752635A1).

Regarding claim 16, Samar teaches "A system for decrypting encrypted transmissions of at least one signal, comprising a receiver for receiving transmissions of the at least one signal, the receiver including a first embedded conditional access module having a decryption algorithm capable of decrypting a portion of the at least one signal and a second removable conditional access module having a decryption algorithm capable of decrypting the entire at least one signal (column 7, lines 10-51, the system having an access with input), wherein enabling of the second removable conditional access module causes the second removable conditional access module to override the first conditional access module (column 2, line 13 to column 4, line 14, access with smart cards – which would get information from smart card rather than from the regular input)."

These passages of Samar do not teach "module" in the sense of the claim.

Nevertheless, it was well known in the art to have a "module" situation for the motivation of having easier control and handling.

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Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Samar for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 17 (two different encryptions, etc.), such particular features are well known in the art for the purpose of extra security.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Points of Contact***

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Jacques Louis-Jacques whose telephone number is (571) 272-6962.

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David Jung

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Patent Examiner

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long, sweeping horizontal line extending to the right.

6/11/06